REMARKS

The applicants have carefully considered the official action mailed on January 7, 2008, and the reference cited therein. By way of the foregoing amendments, claims 83 and 85 have been amended, claim 86 has been canceled, and claims 87 and 88 have been added for consideration. No new matter has been added. Accordingly, claims 83-85, 87 and 88 are pending and at issue in this application. Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

As an initial matter, the applicants note that a response to the provisional double patenting rejection set forth in the official action will be provided upon allowance of at least one claim in this application or copending application no. 11/237,251.

With regard to the rejection of claims 83-85 as failing to comply with the enablement requirement, the applicants respectfully submit that the foregoing amendments have obviated this rejection. In particular, one of ordinary skill in the art at the time of the presently claimed invention, upon reading the instant application, would have been enabled to make and use the claimed invention without undue experimentation. Accordingly, the applicants respectfully request withdrawal of this rejection.

Turning to the art-based rejections, independent claim 83 now recites a method of inserting data in a compressed data bitstream involving repacking first data in a first portion of the compressed data bitstream to increase a size of a second portion of the compressed data bitstream, and inserting second data in the second portion of the compressed data bitstream to form a modified compressed data bitstream. As set forth below in more detail, the cited art fails to describe or suggest repacking data in a first portion of a compressed data bitstream to increase a size of a second portion of the compressed data bitstream.

While Truman et al. do generally describe a system that can add data to a compressed data bitstream, Truman et al. do not describe repacking data in a first portion of a compressed data bitstream, much less repacking data in a first portion of a compressed data bitstream to increase a size of a second portion of the data bitstream, as now recited in claim 83. Instead, Truman et al. describe a system that forms a compressed audio bitstream by packing the bitstream using quantized mantissas and exponents. During the packing operation, unused data bits (e.g., dummy or null bits) are distribubted throughout the compressed bitstream, in locations that are not known prior to formation of the compressed bitstream, to ensure that each data frame contains a predetermined, fixed number of data bits. Truman et al. further describe adding other data to the compressed bitstream by inserting data bits in the locations corresponding to the unused data bits. However, Truman et al. never describe or suggest attempting to change or reorganize the locations of the unused data bits or the size of any data field of the already formed compressed bitstream, much less inserting data bits in locations corresponding to unused data bits that have been moved or otherwise reorganized and/or a data field, the size of which has been changed. On the contrary, Truman et al. treat the unused bit locations of the compressed bitstream as fixed once the compressed bitstream has been formed by the packing operation.

In contrast, the presently claimed invention performs a repacking of first data in an already compressed bitstream that results in changing a size of a portion of the compressed bitstream into which second data is inserted. The bitstream packing described by Truman et al. is performed once to produce an encoded or compressed audio bitstream and, thus, cannot be fairly construed to be a <u>repacking</u> of first data in a first portion of a compressed bitstream as recited in the pending claims. In other words, while the bitstream packing operation described by Truman et al. is used to initially form a compressed audio bitstream, this is

clearly different than repacking data in an existing compressed bitstream. Furthermore, as noted above, Truman et al. consider the locations into which data is inserted to be fixed in size and location (i.e., within any given frame) following the initial packing or formation of the compressed bitstream. In contrast, with the presently claimed invention, a size of a portion of an already compressed bitstream is changed and data is then inserted into that changed portion. Thus, Truman et al. cannot be fairly construed to describe increasing a size of a portion of a compressed data bitstream and inserting data in that portion of the compressed data bitstream to form a modified compressed data bitstream, as recited in claim 83.

Thus, Truman et al. fail to describe all of the elements recited in claim 83 and, as a result, claim 83 cannot be anticipated thereby. Accordingly, the applicants respectfully submit that independent claim 83 and claims 84, 85, 87 and 88 dependent thereon are in condition for allowance.

For at least the foregoing reasons, the applicants respectfully submit that all pending claims are in condition for allowance. The examiner is urged to call the undersigned attorney at the number listed below if there are any remaining issues in this application.

The Commissioner is authorized to charge any deficiency in the enclosed check toward payment of any fee due for the filing of this paper to deposit account number 50-2455.

Respectfully submitted,

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